

CIVIL SERVICE RULES AND REGULATIONS

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September 06,2002

As Amended by Ordinances
And Renumbered
ORD-0208-2002
ORD-0118-2005
ORD-0167-2005
ORD-0221-2005

April 21, 2006

**RULES AND REGULATIONS
CIVIL SERVICE COMMISSION
OF THE
CITY OF GAHANNA, OHIO**

RULE 1

DEFINITIONS OF TERMS

The several terms herein specified whenever used in the Rules and Regulations of the Gahanna Civil Service Commission or in the Administration of the Civil Service Laws shall be construed as follows:

Section 1.01 **Commission** refers to the Civil Service Commission of the City of Gahanna.

Section 1.02 **Civil Service** refers to and includes all officers and positions of trust or employment in the service of the City of Gahanna.

Section 1.03 **Unclassified Service** shall comprise those positions set forth in Charter ARTICLE XIII, Section 13.03, CLASSIFIED AND UNCLASSIFIED SERVICE, of the City of Gahanna as it pertains to employees. Positions in the unclassified service shall be exempt from all examinations as it pertains to employees.

Section 1.04 **Classified Service** shall comprise all persons in the employ of the City, not specifically included in the unclassified service.

Section 1.05 **Classification** shall refer to the arrangement of positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.

Section 1.06 **Position** when used by itself shall refer to any employment or job calling for the performance of certain duties, and for the exercise of certain responsibilities of the position.

Section 1.07 **Appointing Authority** refers to the officer, commission, or board or body having the power of appointment or removal from positions in the classified service and shall include the following:

Any person having like authority in the absence of an appointing authority or in a specific case where such a person has received such authority from the original appointing authority.

Section 1.08 **City** shall refer to the City of Gahanna, Ohio.

Section 1.09 **Employee** shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing officer.

RULE 2

ADMINISTRATION

Section 2.01 Membership. The Civil Service Commission of the City of Gahanna shall be composed of five (5) members who shall be appointed and serve in the manner provided for in Article XIII, Section 13.01, of the Charter of the City of Gahanna.

Section 2.02 Duties. The Commission shall administer and enforce the Rules and Regulations herein prescribed and the Civil Service Laws relative to civil service in the City of Gahanna.

a) The Civil Service Commission shall have the power to adopt rules and regulations concerning the selection, promotion, demotion, discipline, and removal of employees within the classified service of the City, provided that such rules and regulations for the classified service shall not take effect until approved by Council. These rules shall be administered equally and fairly without reference to a person's race, color, religion, sex, national origin, disability, age, or ancestry.

b) It shall be the duty of each member of the Commission to attend meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.

Section 2.03 Officers. One of the members of the Commission shall be elected as Chairman and one member as Vice Chairman at the Organizational Meeting of the Civil Service Commission each year.

It shall be the duty of the Chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, and to preside at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. No less than three (3) members of the Commission shall constitute a quorum at any meeting of the Commission. It shall require the affirmative vote of a majority of the quorum to adopt any motion or resolution.

The chairman may on his own initiative, or shall, upon the request of the other four members of the Commission, call a special meeting of the Commission provided notice is given in writing to all members at least 24 hours prior to the time of such special meeting.

Section 2.04 Secretary. The Commission shall employ a Secretary to the Commission who shall serve at the pleasure of the Commission at such compensation as Council may determine. The Secretary shall attend all meetings of the Commission and keep the minutes thereof.

Section 2.05 Employee Records. The Commission shall prepare and maintain in its offices an official roster of all classified employees of the City, showing with each name the position held, the rate of pay, the date and character of selection or appointment, every change of status and such other information

the Commission may desire to record formally. The Commission shall provide for the security and confidentiality of such records.

Section 2.06 Order of Business at Meetings. The order of business of the meetings of the Commission shall be:

- (a) Roll Call
- (b) Approval of Minutes
- (c) Unfinished Business
- (d) New Business
- (e) Correspondence
- (f) Adjournment

RULE 3

POSITION CLASSIFICATION

Section 3.01 Classified Service. All compensated positions in the service of the city, except those in the unclassified service which are exempt by ARTICLE XIII, Section 13.03 of the Charter, shall be included in the classified service and the provisions of these rules shall be applicable to them and to their incumbents unless a labor agreement has been signed by the City subject to the procedures set forth in the State of Ohio's Collective Bargaining law.

Section 3.02. Classification Plan. A classification plan for the employees in the classified service shall be adopted and maintained by the Commission, which plan shall provide for the standardization and classification of all positions and employment in the classified service. All of the positions in the classified service shall be so grouped and arranged that each class shall consist of those positions so similar in respect to the duties, responsibilities and authority that the same descriptive title may be used to designate each position allocated in the class. Each position within a class shall require similar requirements as to education, experience, knowledge, proficiency, ability and other necessary qualifications.

Section 3.03 Title. Whenever a position shall have been allocated to its appropriate class, the title of such class shall become the title of such position and shall be used in payroll records, in requests to the Commission for certification of eligibles, and in all similar administrative and employment processes and documents.

Section 3.04 Adoption of Classification Plan. When the basic classification plan referred to in Section 3.02 above is adopted, it shall be made part of these Rules. The City positions in the classified service shall subsequently be allocated to the appropriate class by the Commission.

Section 3.05 Amendment of Classification Plan. The classification plan may be amended by approval of new specifications by the Commission subject funding by City Council.

Section 3.06 Allocation of New Positions and Reallocation of Positions to Classes. Wherever a new position is authorized and established or the duties of an existing position are so changed that in effect the old position as described no longer exists and in its place there is created a position which should be allocated to a different class, the appointing authority shall forthwith report this fact to the Commission with a full statement of the circumstances and a description of the duties and changes. After audit of the actual and proposed duties, responsibilities and qualification requirements have been made, the Commission may classify or reclassify and allocate or reallocate the position to its appropriate class in accordance with the classification plan then in effect, or if necessary a new class may be established to provide for the new position. The Commission may cause to be made audits of any or all positions in the classified service and on the presentation of the results of such audit, the Commission may,

in accordance with the statutes, Charter provisions and these Rules, reallocate positions to the class deemed appropriate by the Commission. No change in allocation of any position shall be made, however, until the appointing authority and the employee holding the position shall have had reasonable opportunity to be heard. If by reason of changed or additional duties a position is allocated to another class for which the maximum rate of compensation is no higher, the incumbent shall, upon approval of the Commission, continue in such position and retain his status.

Section 3.07 Reclassification of Existing Positions. When a new title and new specification are put into effect by the action of the Civil Service Commission, any employees with permanent status and whose duties do not change from the previous title and specifications but conform to the new classification, shall be included in the new classification and shall be entitled to all benefits, if any. ¶Such individuals shall have permanent status under the new classification without examination.

Section 3.08 Establishment of New Positions. Whenever an appointing authority desires to establish any new position in the classified service, he shall present a statement of the proposed duties and responsibilities of such position, the conditions which made its establishment necessary, the qualifications which should be required of the incumbent, and his recommendations respecting the title and rates of compensation. The Commission will make whatever investigation may be necessary in order to make proper determination on such request. If the new position is authorized it shall be classified and allocated to the proper class, and the Commission shall give notice to the appointing authority of such action.

Section 3.09 Enforcement. Each department head and division is responsible for maintaining the integrity of the classification plan by limiting employees to the performance of duties appropriate to their class, or notifying the Commission upon the assignment of inappropriate duties.

RULE 4

HIRING AND PROMOTIONAL PROCESS

Section 4.01 General Requirements. All positions within the classified service are subject to the application and examination provisions of these Rules.

Section 4.02 Applications. Except as otherwise specifically provided for by law or by the Rules of the Commission, all applicants must:

- a. File an application with the Commission by the specified time.
- b. Pay the filing fee established on annual basis by the Commission.
- c. Meet the minimum requirements as stated in the examination announcement.

The Commission shall require persons applying for an examination for original appointment to file with the Commission, within the time limit fixed in the examination announcement, a formal application in which the applicant, under oath of affirmation, shall state his name, address, and such other information as may reasonably be required concerning his education, experience, health, physical and mental capacity, and personal habits as it would relate to performance of job duties. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of applicant. Applications once filed will not be returned to candidates.

d. General. Any or all applicants for any class of positions may be required to submit evidence that they possess the minimum qualifications set forth in the specifications for the class. If any certificate, license or other evidence of competency is required by law or competent authority, valid evidence shall be required of the applicant.

e. Proof of Age. Applicants may be required to meet minimum age requirements.

f. Acceptance or Rejection of Applications. The Commission, or the Commission Secretary, shall review all applications for completeness. An application lacking information or incorrectly filled out may be amended by the applicant prior to the examination, following notices to amend the same. The Commission may for sufficient cause, reject an application prior to the date of the examination for which it is filed. In all cases of rejection an applicant shall be notified immediately of the rejection and the reason therefor. Upon rejection of an application any applicant shall have an opportunity to show cause to the Commission why his application should not have been rejected. Any one of the following may be sufficient cause for rejecting an application:

1. Lacks one or more of the minimum qualifications set forth in the examination announcement.
2. Has been convicted of a felony.
3. Has been previously dismissed from the classified civil service.
4. Has made false statement of any material fact or practiced, or attempted to practice, any deception or fraud in his application or in his examination, in establishing his eligibility, or securing his appointment.
5. Any other just and reasonable cause.

g. Police Department Applicants. No person shall be eligible to receive an original appointment to the police department as police officer unless he or she has reached the age of twenty-one (21) on or prior to the date of appointment.

Section 4.03 Examinations.

The Commission shall be the examining authority for hiring and promotional tests in the classified service. The Commission shall designate the dates, time and place of each examination as it deems necessary. Copies of such notices of examinations shall be dated and filed by the Commission. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of such examination.

An examination shall consist of a written test, which measures aptitude and knowledge or work, and one or more of the following tests or parts.

a. Entrance Examinations shall be practical in character, and shall relate directly to those matters which fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought, and shall when appropriate, include test of manual skill.

b. Original Appointment Examination. A competitive examination shall require applicants for positions and places in the classified service to report to a designated place at a designated time to participate in tests prescribed and administered under the direction of the members of the Commission.

c. Promotional Examination. Notice of competitive promotional examinations to be held shall be given by posting on bulletin boards in conspicuous places in the department whose employees may be qualified. Such notice shall be given not less than two (2) weeks prior to the

examination. Vacancies in the classified service shall be filled by promotion of permanently appointed classified employees in all cases where, in the judgment of the Commission, it is for the best interest of the service. Promotional examinations shall be held, unless there are fewer than three people eligible to take the test; in that case the testing procedure shall be waived. Promotional examinations shall be in writing, shall be practical in character, and shall relate directly to those matters which fairly test the relative capacity of the person examined to discharge the particular duties of the position for which promotion is sought and shall consist of one or more of the following tests or parts:

1. Oral Interview or Examination evaluating education, training and experience, personality and other personal qualifications including ability to understand oral directions and to carry out verbal orders effectively.

2. Practical or Performance Examination demonstrating the skill and ability of the applicant to perform the work, including tests of endurance, muscular strength, ability and manual dexterity where essential to the position.

3. Physical/Psychological Examination. Exams shall be administered when job related evaluating the physical ability to perform the duties as specified within the job description and determine the psychological attitude to execute the duties required.

- d. Postponement and Cancellation. The Commission shall have the right to postpone any examination because of insufficient number of applicants, because of the non-attendance of special examiners or for other sufficient cause; or to cancel any examination, the holding of which becomes unnecessary because of a change in personnel requirements. All such postponements, or cancellations shall be posted in such places as designated for notice with reasons therefor, and an explanation of the reason for the postponement or cancellation shall be made in the Commission minutes. A copy of such notice of cancellation shall be filed in the Commission office.

Section 4.04 Eligibility. When promotional examinations are held, they shall be limited to employees who shall be permanently appointed, shall have served not less than a total of twelve (12) months after permanent appointment and whose most recent efficiency rating shall have been satisfactory. As far as practicable promotions shall be made from the next lower class.

Section 4.05 Conduct of Examinations. All examinations shall be conducted under the direction of at least one (1) Commission member and one (1) Commission staff person with the addition of special examiners as deemed necessary by the Commission.

- a. Time. The limit of time prescribed for each part of the examination shall appear in the general instructions and also shall be announced at the beginning of the examination.
- b. Admittance. Any person who is not a candidate, shall not be present in the examination room except by special written permission of the Commission members in charge of the examination. A record of such written permission shall be kept on file by the Commission. Admittance to an examination may be refused to an applicant arriving after the designated starting time for testing.
- c. Identification Procedures. All paper submitted by the candidate shall have their name printed legibly. If the name is not printed legibly, and cannot be read, the candidate shall be automatically disqualified. The candidate shall be required to provide two (2) forms of I.D., one being picture.

Section 4.06 Offenses in Examination.

- a. Frauds Prohibited. No person shall:
 - 1. Willfully or corruptly by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the civil service law, the City Charter or under any rules or regulations prescribed pursuant thereto.
 - 2. Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing.
 - 3. Willfully or corruptly make any false representations concerning the results of such examination or concerning any person examined.
 - 4. Willfully or corruptly furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.
 - 5. Willfully impersonate another person, or permit or aid in any manner another person to impersonate him, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.

6. Furnish false information about himself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.

7. Make known or assist in making known to any applicant for examination, any question to be asked on such examination.

8. Personally solicit a favor from any members of the Commission, appointing officer, or have any person in his behalf solicit a favor.

b. Penalty for Deception. Any person or persons who shall at any examination, by themselves or in cooperation with one or more persons, deceive or attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall have his name stricken from the registers, and he shall not be permitted to take part in any examination for a minimum period of one (1) year or for a longer period as the Commission may decide and record. If such person is already in the city service, such conduct shall be grounds for disciplinary action.

c. When Papers Taken Up. When an applicant in any examination is found to be using, without permission, any extraneous means of information, such as memoranda, pamphlets or books of any kind to assist him in answering the questions, the examination papers of the applicant, when the circumstances justify such action in the judgment of the Commissioners in charge, shall be taken up and the examination papers filed with zero (0) marking, and a memorandum made on the same of the cause for such action. The applicant shall be barred from any other examination for a period of one (1) year from such date or for a longer period, as the Commission may decide.

d. Method of Grading Examinations. The total grade attainable in each examination shall be 100%. Any and all candidates who achieve a passing grade of 70% or above shall be eligible for consideration as a possible candidate for the position tested.

Section 4.07 Inspection of Rating Keys.

Inspection of Rating Keys. In examinations where the Commission considers it feasible, for a period of two (2) weeks after the scores for the examination are mailed, participants may inspect the Rating Key and questions in the office of the Civil Service Commission. Each candidate shall be permitted only one (1) review of the test booklet involving one session.

a. Protests. Should the test contain a question or an answer with an error, including a conflict of authority, error in keying or incorrect wording, the candidate may protest the question by submitting a protest in writing to the Commission. This written protest must be submitted at the

time the candidate is reviewing the test. The protest must cite the error in the question or answer and may also include reference to recognized authorities to support the protest. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests, however, there are no further inspections or protests, except as provided below.

1. For two (2) days following the last day for filing protests, candidates may review protests filed and submit in writing authority which support the Rating Key answers. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests which support Rating Key answers, however, there are no further inspections or protests.

2. A candidate may not copy or take from the Civil Service Commission office test questions or answers, or may he make any written notes pertaining to test material. Commission members or members of their staff shall not discuss test written notes with applicants. Following the rating key inspection period, the Commission shall carefully consider all objections and make such changes in the tentative key as are warranted, after which a rating key shall be adopted which shall be final and which shall be used in the actual rating of examination papers. The Commission may correct clerical error of examiners or employees at any time before the cancellation of such list.

- b. Notification of Grade. Each candidate examined shall be notified of his/her grade and, standing on the eligibility list.

- c. Inspection of Papers. Any competitor, with the permission of the Commission, shall have the right to inspect his scored answer sheet, in accordance with established procedure, for a period of seven (7) working days after such grades have been mailed. The applicant shall make such inspection of his answer sheet only in the presence of a member of the Commission or designated member of the Commission staff.

Section 4.08 Preservation of Examination Papers. Applications and examination papers of candidates who failed an examination shall be maintained in accordance with the Gahanna retention schedule approved by the Civil Service Commission. Applications and examination papers of those passing shall be preserved for the life of the eligible lists, except that test papers of those appointed from eligible lists shall be retained in the individual personnel file of each appointee.

4.09 Eligibility Lists.

- a. Posting of Eligibility Lists. From the returns of each competitive examination, the Commission shall prepare and keep open to public inspection an eligibility list of candidates whose final grade in the examination is not less than seventy (70%) percent.
- b. Duration of Lists. The term or eligibility of each list and of the names appearing thereon shall be fixed by the Commission for a period no less than eighteen (18) months from the date of the written exam. For good cause and at the discretion of the Commission an eligibility list may be terminated sooner than one year.

Tied Scores.

- a. Original Appointment Examination. In the event two or more candidates receive the same score in open competitive examination, names of all applicants receiving such score shall be placed on the eligible list with the same ranking.
- b. Promotional Examination. In the event of two or more candidates receiving the same score on a promotional examination, seniority shall determine the order in which their names shall be placed on the eligible list with the same ranking.
- c. Lower Class. At the discretion of the Commission, the name of any candidate may, at any time, upon his/her written request, be placed on the eligible list for a lower class in the series requiring qualifications of the same general character. Candidates shall be ranked thereon according to his/her original grade. If no eligibility list exists, at the discretion of the appointing authority with the approval of the Commission, the person may be hired for a vacant position in a lower class of the series.

Section 4.10 Removal of Names from Eligibility Lists. The name of an eligible candidate shall be removed from an eligibility list by the Commission: for one or more of the following reasons:

- a. Written request of the eligible concerned.
- b. Failure to appear or arrange for an interview or respond to communication from the appointing authority.
- c. Failure to file with the Commission written notice of any change of address.
- d. Declining appointment in writing or failing to accept appointment or to report for duty within four (4) business days next succeeding the confirmation of appointment.

- e. A disability that prevents the eligible from satisfactorily carrying out the essential duties of the position.
- f. Practicing or attempting to practice deception or fraud in his application, his/her tests, or otherwise in obtaining eligibility for appointment.
- g. At the request of the appointing authority for just cause.

Section 4.11 Restoration of Names to the Eligible List. Any person whose name is removed from the eligible list shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his/her whereabouts are unknown. His/her name may again be certified from the eligible list only in case thoroughly satisfactory explanation of the circumstances is made to the Commission. If a candidate's name appears on more than one list, appointment to a position in one class shall be considered a waiver or appointment from other eligibility lists for classes the salary of which is equal or lower unless specifically requested by the candidate, in writing, his/her desire to remain on the list.

Upon furnishing the Commission with satisfactory reasons therefor, an eligible may have his name restored to any list from which his name may have been previously removed, and which still remains in effect.

Section 4.12 Re-employment Lists. Any employee whose appointment has become permanent, who without fault or delinquency on his part, has been separated from the service or reduced in rank because of lack of work or funds, shall have his name automatically placed upon the appropriate re-employment lists for the class of position from which he was reduced or laid off, until such time as he is reassigned and also at the head of an appropriate eligible list for a period not to exceed two (2) years, for certification as in an original appointment. Whenever there is no further need for a class and it is abolished in accordance with these Rules, any incumbent, with permanent status as described above, in a position in such class shall have his name automatically placed upon the eligible list for the class for a period of two (2) years and his name may be certified for a vacancy in comparable class of position for which he is qualified, or a lower class position. The place on such eligible list shall be determined in the same manner as prescribed for the order of layoff, but in the reverse order.

Section 4.13 Military Service Credit

- a. Active Duty or Active Military Duty means full time duty with military pay and allowances in the armed forces, except for training or for determining physical fitness.

Armed Services of the United States.

b. Credit for Military Service. When proper proof of acceptable service in the Armed Forces of the United States, as defined in the Ohio revised Code, is presented to the Commission, such service man or woman being otherwise eligible, has received a passing grade of seventy percent (70%) in any regular entrance examination he/she shall be granted an additional credit of five (5%) percent of such grade.

Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Commission with the application for the examination. Credit for military service shall not be given if the request for such credit is received by the Commission after an eligibility list has been established.

c. Priority. In cases of tie scores in an examination, applicants entitled to veteran's preference credit shall be placed ahead of non-veterans.

Section 14.04 Credit for Service as Gahanna Reserve Officer.

a. When proper proof of acceptable service as a Gahanna Reserve Officer is presented to the Commission, and such reserve officer being otherwise eligible has received a passing grade of seventy percent (70%) in a police officer entrance examination he/she shall be granted an additional credit in the following manner.

As a member of the Gahanna Reserve Police Force, and after completion and certification by the Ohio Peace Officer Training Academy, and the completion of One Hundred Ninety Two Hours (192) hours of service with the Gahanna Reserve Force he or she shall be entitled to receive additional credit of five (5%) percent on the total grade in the entrance examination.

Request for the additional credit for Reserve Officer Service together with a letter of recommendation from the Chief of Police indicating the reserve officer is in good standing with the Police Department, shall be submitted to the Commission with the application for examination. Credit for reserve officer service shall not be given if the request for such credit is received by the Commission after an eligibility list for the examination has been established.

Section 4.15 Preference Credit Points, Promotional Examinations. Each candidate must receive a passing score of 70% to be eligible for Preference Credit Points.

a. Seniority. One (1) percent of the earned grade for each of the first four (4) years of municipal service and six-tenths (6/10) percent of earned grade for each of the next ten (10) years of municipal service shall be added to the applicant's earned grade resulting from the competitive examination provided the applicant receives a passing earned grade in the competitive examination.

b. Efficiency. The efficiency rating for examination purposes shall be based upon one year of service. This additional credit for efficiency (conduct and capacity in office according to the records) shall be five (5%) percent of the earned grade added to the applicant's grade resulting from the competitive examination provided the applicant receives a passing earned grade in the competitive examination.

c. Additional Education – Training. Acceptable proof (diploma, certification, etc.) of completion of further education or training relevant to the applicant's employment in classified service may be submitted to the Commission for preference credit points, not to exceed five (5%) percent of the earned grade to be added to the applicant's earned grade resulting from the competitive examination provided the applicant receives a passing earned grade in the competitive examination. The amount of credit points shall be decided by the Commission.

Requests for additional education/training credit points together with proof of same as described above shall be submitted to the Commission with the application for the examination. Any such credit awarded by the Commission shall be done so prior to the examination. Credit will not be given if the request is received by the Commission later than the last business day prior to the date of the examination

RULE 5.

EMPLOYEE EVALUATIONS

Section 5.01 Employee Evaluations. The Commission shall require appointing authority to submit an employee evaluation of individual employees, when and as deemed advisable, but no less than every twelve (12) months, upon forms approved by the Commission. The Commission shall approve the factors or elements upon which records of efficiency shall be based. Such factors or elements and the scale of marking upon which they shall be rated, shall be uniform for all employees in the same class. Each employee in the classified service shall be notified by the appointing authority of each performance rating within 60 days.

Section 5.02 Dismissal of Inefficient Employees. An employee who is unable to maintain a satisfactory evaluation, shall not be eligible for bracket salary increase and such record may be sufficient grounds for the dismissal.

Section 5.03 Appeal. An employee shall have the right to appeal his evaluation to the Civil Service Commission within ten (10) working days. No employee shall be prejudiced in his position or status because of his appealing to the Commission and requesting that his efficiency rating be reviewed or revised by the Commission.

RULE 6

ESTABLISHMENT OF POLICE CHIEF/DEPUTY POLICE CHIEF REVIEW BOARD

Section 6.01 Establishment of Police Chief/Deputy Police Chief Review Board. The Civil Service Commission, by rule and regulation subject to Council's approval, shall provide for and develop procedures for the operation of a review board to consider applicants for a vacancy in the Office of Chief of Police or Deputy Chief of Police. The Civil Service Commission shall adopt rules and regulations for the certification to the review board of the names of the applicants who receive a passing score on the written examination for the positions of Chief of Police or Deputy Police Chief without regard to whether or not any individual whose name is so certified has served previously within the Gahanna Police Department.

Section 6.02 Review Board Composition and Procedure. The review board established in Section 13.05 of the Charter shall consist of the following five (5) members: (1) a City elector selected by the Mayor; (2) a City elector selected by City Council; (3) a City elector selected by the City Attorney; (4) a member of the police officer bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police/Deputy Chief of Police; (5) a member of the police supervisory bargaining unit selected by the bargaining unit; provided that the individual selected is not an applicant for the position of Chief of Police/Deputy Chief of Police.

The herein organized review board shall interview each applicant certified to them, and thereafter shall submit to the Director or Public Safety the names of the up to six (6) applicants whom the board, by consensus or by majority vote, finds to be the best qualified for appointment to the vacancy. The review board, in its discretion, may rank the candidates in order of preference. In making its selections, the review board shall consider each applicant's job experience, education, and work history, as well as the skills, knowledge, and abilities shown by the applicant during the review board process. In carrying out its duties the review board may consult with individuals and organizations outside the Police Department and the City.

RULE 7

TRANSFERS, REINSTATEMENT AND LAYOFFS

Section 7.01 Transfers. A person holding position in the classified service may be transferred, with the consent of the Commission, to a similar position in another office, department or institution having the same pay and similar duties except in the police department and no transfer shall be made to a position in another class nor to a position for which original entrance requires an examination involving essential tests or qualifications different from those required for original entrance to the position held by such person. No transfer shall be made to a position carrying a salary different from that of the position from which the transfer is requested.

Section 7.02 Layoff Procedure. Whenever it becomes necessary in any office or department, other than the police department, through lack of work or lack of funds to reduce the number of employees within a class, provisional appointees, if any, shall be laid off first and probationary appointees, if any, shall be next laid off.

Thereafter the least senior permanent appointed employee will retrogress to the next lower classification in which he has the apparent ability to perform, and is not forbidden by law to perform. The employees in the lowest classification with the shortest length of service shall be laid off. In no event shall the retrogressed employee displace another employee who has more service than the retrogressed employee.

Section 7.03 Establishment of Layoff Lists. The names of persons holding permanent positions in the classified service, which have been abolished or made unnecessary shall be placed by the Commission on an appropriate layoff list in order of their original appointment and for a period not to exceed one (1) year shall be certified to all appointing authorities as in the case of original appointments. Whenever discontinued positions are re-established by an appointing authority and a request is made for certification of eligibles, former employees of the department in question who have been laid off and whose names appear on the layoff list shall be first to receive appointment.

Section 7.04 Reinstatements. Any permanently appointed employee who has resigned without delinquency may be reinstated, to an open position with requisition upon the Civil Service Commission, by an appointing authority at any time within one (1) year from the date of such separation provided there are no employees of the department who have been laid off and whose names appear on the eligible list of the class. A notice of such reinstatement shall be sent to the Commission for its approval prior to reinstatement.

Section 7.05 Restoration of Seniority, Sick Leave and Other Benefits After Reinstatement.

- a. Any person holding a position in the classified service of the City of Gahanna who voluntarily resigns therefrom, shall forfeit all rights of grade and such other benefits except seniority afforded employees with uninterrupted service except as otherwise provided for veterans of the Armed Forces of the United States of America. No employee in the Division of Police who voluntarily resigns therefrom shall be reinstated above the rank of police officer.
- b. In all cases of suspension of the Chief of Police, the right of suspension is the exclusive right of the Safety Director and only where applicable under City Charter.
- c. Where special pension boards are in effect as in the Division of Police, any where applicable under any provision of the Public Employee Retirement System, a copy of the request for reinstatement of the employee shall be forwarded to the members of the pension board in order that any valid objection may be heard which may tend to affect the reinstatement of the employee making such request. If an objection is filed, the Commission shall immediately forward the report of said objection to the prosecutor's office to determine the validity of said objection and upon receipt of the prosecutors decision, the Commission shall either approve or disapprove the request for reinstatement as befitting the decision rendered.
- d. Any person holding a position in the competitive or non-competitive class of Civil Service as well as temporary and exceptional appointees and those persons in the non-classified service such as political appointees in the Municipal Service shall be entitled to sick leave only as it may be interpreted by this City's ordinance establishing sick leave compensation.

Section 7.06 Full time to Part-time Police Officer.

At the request and discretion of the Safety Director, and the request of the Police officer involved, with the approval of the Civil Service Commission, any full time Gahanna Police Officer, or retired Gahanna Police officer who was full time at the time of his/her retirement, may transfer or be re-hired to an available Part-time Police Officer position without being subject to the testing requirements of Rule 4. The Safety Director shall consider such factors as the police officer's attendance record, job performance, and disciplinary record and staffing needs.

In the case of re-hire, the request must be made within one (1) year of the officer's retirement.

Section 7.07 Part-time to Full-time Police Officer and/or Radio Dispatcher.

At the request and discretion of the Safety Director, and the request of the Police Officer and/or Radio Dispatcher involved, and with the approval of the Civil Service Commission, any part-time Gahanna Police Officer and/or Radio Dispatcher may transfer to an available full-time Police Officer or Radio Dispatcher position without being subject to testing requirements of Rule 4 as the candidate will have already passed all phases of the testing process before being hired part-time. The Safety Director shall consider such factors as the Police Officer and/or Radio Dispatcher's attendance record, job performance, disciplinary record, and staffing needs. Staffing needs will only include permanent full-time Police Officer and/or Radio Dispatcher position openings.

Section 7.08 Part-time Employees to Full-time Classified Positions.

At the request and discretion of a Department Head and the Director of Human Resources, as well as the request of the part-time employee involved, and with the approval of the Civil Service Commission, any part-time employee who has been performing the exact same job description as a full-time employee for at least one year may transfer to an available and identical full-time position without being subject to the testing requirements of Rule 4. The Department Head and the Director of Human Resources shall consider such factors as the employee's attendance record, job performance, disciplinary record, and full-time position needs.

RULE 8

APPOINTMENTS

Section 8.01 Appointments. Appointments to all positions in the classified service that are not filled by promotion, transfer, or reduction, as provided by the Civil Service Laws and the Rules of the Commission, shall be made only from the list of names certified to the appointing authority in accordance with the Civil Service Laws and Rules of the Commission.

Section 8.02. Number of Names to be Certified. The appointing authority of the department in which the position in the classified service is to be filled, shall notify the Commission of the fact, and the Commission shall certify to the appointing authority thereof the names and addresses of the **six** (6) candidates standing highest on the eligible list for the class or grade to which said position is classified. When there are tie scores, names of all persons with the same score shall be submitted to the appointing authority.

1 Appointment	up to <u>6</u> names
2 Appointments	4 up to <u>7</u> names
3 Appointments	5 up to <u>8</u> names
4 Appointments	6 up to <u>9</u> names
5 Appointments	up to <u>10</u> names
6 Appointments	up to <u>11</u> names
7 Appointments	up to <u>12</u> names
8 Appointments	up to <u>13</u> names
9 Appointments	up to <u>14</u> names
10 Appointments	up to <u>15</u> names

Section 8.03 Certification not more than three times. A person certified from the eligible list three (3) times to the same appointing authority, shall be omitted from future certifications.

Section 8.04 One certified to be appointed. Upon receipt of the eligibility list from the Commission the appointing authority shall fill such position by appointment of one of the candidates certified to him/her and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster. If all candidates certified would be proven ineligible the appointing authority shall ask for additional candidates and a new test will have to be given.

Section 8.05. Probationary Period; Probationary Removal or Reduction. All probationary periods shall, unless otherwise provided, be uniform in all classes and shall be for a period of one hundred eighty (180) days, including promotional appointments. The appointing authority may not request permanent

status for any promotional appointment until the 180 days probationary period has been served and duly recorded.

Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, he/she may be removed or reduced at any time during his probationary period after completion of sixty (60) days or one-half of his probationary period. Unless the probationary appointee has been removed or reduced earlier, the appointing authority, at any time during the ten day period before the end of the probationary period, shall inform the Commission, in writing, of his decision either to make the appointment of the probationary appointee final or to remove such appointee. If the appointing authority's decision is to remove the appointee, his communication to the Commission shall state the reason for such decision.

Section 8.06 Temporary Appointments. In case of an emergency an appointment may be made without regard to the Civil Service Laws or the Rules of the Commission, but in no case to continue longer than one hundred eighty (180) calendar days in one calendar year, and in no case shall successive temporary appointments be made; provided, however, the interim or temporary appointments, made necessary by reason of sickness or disability of the regular employee shall continue only during such period of sickness or disability.

Where the services to be rendered by an appointee are for a temporary period, not to exceed one thousand four hundred forty (1440) hours in one year, and the need of such service is important and urgent, the appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal of a temporary appointment by an eligible shall not effect his standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

- a. All such temporary appointments shall be promptly reported to the Commission by the appointing authority.

Section 8.07 Temporary Appointment and Promotions. An interim or temporary appointment or promotion to a higher position without examination made necessary by reason of sickness or disability of a regular employee may be authorized by the Commission upon the written request of an appointing authority who shall set forth full information with the request. All such temporary promotions shall continue only during such period of sickness or disability and shall be recorded in the minutes of the Commission. Such temporary promotions shall be made, in so far as practicable, from the class or grade of positions immediately below the class or grade in which the temporary vacancy exists.

Section 8.08 Provisional Appointments. A provisional employee may be appointed to fill a classified position on an emergency basis where no eligibility list exists. The Civil Service Commission shall establish an eligibility list within six (6) months of the appointment.

Section 8.09 Seasonal Positions. All positions in the non-competitive class, where the nature of the work is such that the service is not continuous through the year, but recurs in each successive calendar year, shall be designated as “seasonal” positions. Any person appointed to such seasonal position under the provisions of the Civil Service Law, and who has been temporarily separated from the service during the inactive season, shall be entitled to employment in the same position in each ensuing year, provided he is not in the mean time disqualified for any cause; and provided, further, that any person appointed to a seasonal position, not assigned to work for a period of one (1) year, due to lack of work or to refusal of same on his part, shall be deemed ineligible for further assignment as a classified employee, except he be reinstated as provided for, and his service shall be terminated as an automatic resignation, effective as of one (1) year after the date of the last appearance on the payroll.

Section 8.10 Re-creation of Abolished Position. Should a position once abolished be found necessary to be re-created or re-established within one (1) year from the date of abolishment, the last incumbent of this position shall be entitled to same providing he was, at the date of his separation, a certified classified employee.

RULE 9

RESIGNATION AND LEAVE OF ABSENCE

Section 9.01 Leave of Absence With Pay.

a. Any absences because of illness or injury in excess of three (3) working days shall, at the discretion of the appointing authority, require a physician's certification and clearance through the appointing authority prior to return to work. Repeated absences because of either sickness or injury by an employee involving leaves of less than two (2) days at any one time, may at the discretion of the appointing authority require his certification prior to return to work.

b. All officers and employees of the City of Gahanna who are members of the Ohio National Guard, the Ohio Naval Militia, or members of other reserve components of the armed forces of the United States, who are on field training or called to active duty shall receive from the City of Gahanna an amount of compensation equal to the difference between their Reserve or Guard compensation and the compensation authorized by the ordinances of the City for full time employment; provided that compensation payable by the City shall be limited to one calendar month in any one calendar year.

Section 9.02 Leave of Absence Without Pay. With the approval of the Commission and subject to the restrictions provided herein, the appointing authority may grant a leave of absence without pay to a classified employee. The appointing officer shall exercise discretion in granting leave, taking into consideration length and quality of service and the sufficiency of the reasons for requesting the leave, which shall be reported in writing to the Commission on forms required by the Commission.

a. Leave of Absence Limited to 60 days. Leave of absence without pay shall not exceed a period of sixty (60) days except as herein provided.

b. Extension of 60 Day Leave. If leave of absence is for continued illness or disability not incurred in the performance of duty, or for study to improve the quality of the employee's service, or for other good and sufficient reasons, leave may be extended, but in no case to exceed a period of one year.

c. Extension of One Year Leave. In unusual cases where an employee has been injured in the line of duty, and appointing authority may, with the approval of the Commission, grant extensions for ninety (90) day periods not to exceed a total of one (1) year of such extension beyond the regular one (1) year maximum leave allowed under provision of 11.02 c of this rule.

d. Prohibited for Political Activity. At no time shall a leave of absence be granted in order that a classified employee may become a candidate for public office or to engage in a campaign for a candidate to an elective public office.

e. Status of Provisional Appointee. If the employee is a provisional appointee, the leave of absence, if granted, is subject to the establishment of an eligibility list and terminates automatically in case an eligible list or said position is established at any time during the period of leave of absence.

Section 9.03 Absence Without Leave and Failure to Report.

a. Absence Without Leave. Absence from duty without leave for any length of time will be considered cause for dismissal. Absence from duty without leave for three (3) consecutive work days shall be deemed a resignation from the service by the absentee, and upon a report of such absence from the appointing authority to the Commission, the absentee shall be removed from the service of the city, and the fact of removal shall be entered in the official roster; provided however, that if at any time within thirty (30) days from the first day of absence the person so absenting himself shall make satisfactory explanation to the Commission of the cause of his absence, he may be reinstated in his position, with the consent of the appointing authority. The acceptance of another position or engaging in other employment without approval of the Commission by the employee while on leave of absence shall be deemed a resignation.

b. Failure to Report. Failure to report after a leave has expired or has been disapproved or revoked and cancelled by the Commission, shall be cause for discharge; provided, however, that if the officer or employee so charged shall show to the satisfaction of the Commission within thirty (30) days from the first day of absence that such absence or failure to report was excusable, the Commission may then order his reinstatement.

Section 9.04 Resignations. Any employee in the classified service who desires to leave the service shall file with the appointing officer a written resignation giving at least two (2) weeks notice of his intentions to leave the service, unless the appointing officer agrees to his leaving sooner. Such request when approved by the appointing officer shall be forwarded immediately to the Commission.

Section 9.05 Restoration of Employment Rights After Military. Any person who, at the time he held or holds an office or position in the public service and has held such office or position for a period of ninety (90) days or more, enlisted or enlists in the armed services of the United States subsequent to December 8, 1941, was or is commissioned in said armed services, or was or is called into said armed services in consequence of an act of congress, the call of the president of the United States, or due to his status in the reserve forces,

national guard, or other similar defense organization shall, within thirty (30) days after making application therefor, be restored to the office or position held by him immediately prior to his entering the armed services of the United States, provided, such person is at such time physically able to perform the duties of such office or position; but this section does not apply to elective public officials, appointive public officials serving fixed terms, or officers serving at the pleasure of the governor. Such application for restoration shall be made to the appointing officer of such person within a period of ninety (90) days after receipt of an honorable discharge, or certificate, or other evidence showing satisfactory completion of his period of service. If any person entitled to the benefits of this section is unable to perform the duties of such office or position at the expiration of thirty (30) days from the date of his application for restoration thereto because of temporary physical disability, he shall be restored to such office or position when such physical disability is removed, if such physical disability is removed within one (1) year from the date of his application.

This section is not applicable, nor shall the benefits thereof be extended, to any person who was or is appointed to a position in the classified service to fill a vacancy created by reason of the entering of the former incumbent of said office or position in the armed services, unless such former incumbent fails to make application for restoration to such office or position within ninety (90) days after his discharge from the service, or unless said former incumbent by written waiver relinquishes all right or claim to such office or position.

Whenever the time of period of employment in the classified service affects the status, rank, rating, increments, or qualifications in any respect, of any person who has served in the armed services of the United States as contemplated by this section, such person shall be given credit for the period in which he served in such armed services as though such time were served in the course of his regular employment.

"Armed services of the United States", as used in this section, includes the following: army, navy, marine corps, air force, coast guard, auxiliary corps as established by congress, army nurse corps, navy nurse corps, red cross nurse serving with the armed services, or hospital service of the United States, active duty with the civil air patrol-coastal patrol, and such other service as is designated by congress as included therein.

When such classified employee is restored to his position and to the status, rank, rating, or qualifications provided in this section following such military service, the former incumbent of such position who has not entered such armed services shall be demoted to the next lower rank, and the youngest classified employees in point of service in the next lower rank shall be demoted, and so on down until the youngest employee in the point of service has been reached, who shall be laid off, if necessary. The person so laid off shall be placed at the head of the same eligible list from which he secured original appointment, or an eligible list subsequently established for the position, or upon an eligible list which the department of administrative services regards as appropriate for the classification involved.

This section applies to all persons who enter on extended active duty with the armed services of the United States to perform such military services as they may be called upon to perform by proper authority. The provisions of this section

do not apply to any person, who, by re-enlisting displays an intent to remain on extended active duty in the armed services of the United States. Nor does this section apply to any commissioned officer, who, voluntarily, enters on extended active duty beyond the required on accepting a commission.

RULE 10

POLITICAL ACTIVITY PROHIBITED

Section 10.01 Political Activity Prohibited. No officer or employee in the classified service of the city, thereof, shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political party or for any candidate for public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting any such assessment, contribution, or payment from any officer or employee in the classified service of the city or city school district; nor shall any officer or employee in the classified service of the city be an officer in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinions.

RULE 11

RULES AND REGULATIONS

Section 11.01 Adoption, Amendment or Rescission of Rules. The Commission shall have the power to adopt, amend, or rescind rules or any part thereof, by a majority vote of the Commission and subject to approval by Council.

RULE 12

TENURE, SUSPENSION, DEMOTION AND DISCHARGE

Section 12.01 Bases for Suspension, Demotion or Discharge. Every employee in the classified service of the city may be suspended, demoted or discharged for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of the provisions of the City Charter, Revised Code of Ohio or the Rules of the Commission, or any other failure of good behavior or any other act of misfeasance, malfeasance, or nonfeasance in office, or any other reasonable and just cause.

Section 12.02 Suspensions. The appointing authority may suspend an employee or subordinate without pay for purposes of discipline for a period not to exceed thirty (30) calendar days at any one time, provided, however, that successive suspensions shall not be allowed.

Section 12.03 Demotion for Disciplinary Purposes. An appointing authority may demote an employee for disciplinary purposes to a lower related class.

12.04 Notification. The appointing authority shall notify the employee, in writing, of the proposed disciplinary action. Said written notice shall contain the specific factual bases supporting one or more of the grounds for disciplinary action delineated in Section 12.01.

In the event the employee cannot be located, the written notice shall be sent by certified mail to the last known address of record.

RULE 13

GRIEVANCES

Section 13.01 Grievance. When an employee wishes to file a grievance to be heard by the Civil Service Commission, the employee shall do so within 10 working days of the time the incident took place or became known to the employee. Employees shall put this in writing to the Commission, stating the reason for grievance.

An employee who believes he/she has been adversely affected by a violation of applicable rules and regulations of the Civil Service Commission, may file a grievance with the Civil Service Commission within (10) calendar days of the adverse action or when the employee became aware of the adverse action. In the event the tenth (10th) day falls on a Saturday, Sunday, or holiday, the final day for filing the complaint shall be the next regular working day. The grievance to the Commission shall be in writing and shall state which Rule(s) the grievant believes was violated and how. Consideration of such grievance will be added, as feasible, to the next regularly scheduled meeting of the Civil Service Commission.

Section 13.02 Notice. The Civil Service Commission shall provide written acknowledgment of receipt and notice to the grievant and the appointing authority or other official against whom the grievance is filed. Such notice will include the time and place of the scheduled Civil Service Commission meeting; the agenda will include review of the grievance. The appointing authority or other official may submit a written response to the Civil Service Commission prior to the scheduled meeting. The appointing authority or other official shall copy the grievant on any response provided to the Commission.

Section 13.03 Review of the Grievance. The Civil Service Commission will review the grievance to determine completeness of the grievance, jurisdiction of the Commission, and whether a remedy is immediately available which is satisfactory to both the appointing authority or relevant official and the grievant and consistent with the Civil Service Rules. The Civil Service Commission may, upon review also vote to schedule a hearing on the grievance, consistent with section 13.04.

Section 13.04 Hearing Procedures.

- a. When the Civil Service Commission votes to hold a hearing on a grievance, such hearing shall be scheduled as soon as practicable. The grievant and the appointing authority or other official shall be provided written notice of the date and time of the hearing. Any additional documentation must be submitted no later than ten (10) calendar days before the time set for the hearing. Said documentation submitted by the

grievant or appointing authority or other official to the Commission shall be provided to all parties.

b. All hearings shall be recorded. The Commission shall determine the order of proof at the hearing

c. Witnesses and Counsel. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents, to administer oaths, and if necessary, to continue the hearing from time to time. The appointing authority may be represented by the City Attorney or other counsel upon approval by Council. The grievant may also be represented by Counsel.

d. Findings of Commission. After due consideration the Commission shall render its findings and decision. The findings and decision shall be in writing, recorded in its minutes and provided to each party or their counsel.

RULE 14

REPORTS BY APPOINTING AUTHORITIES

Section 14.01 Reports of Appointing Authorities to Commission. In order that the Commission may keep proper records of changes in the service, each appointing authority shall make prompt and complete report to the Civil Service Commission of the following matters as well as other matters mentioned elsewhere in these Rules, upon the forms prescribed, or by letter where no form is prescribed by the Commission:

- a. Appointments, whether emergency, temporary, provisional, limited, permanent or promotional.
- b. Reinstatement appointments.
- c. Refusal or neglect to accept appointment by a person certified.
- d. Transfer from one class to another, one division to another, one department to another or from one payroll to another.
- e. Change in compensation.
- f. Separation from service.
- g. Suspension.
- h. Leave of absence, and return from leave of absence.
- i. Creation or abolition of any position.
- j. Any material change in the duties or responsibilities of an employee.
- k. Charges for purposes of demotion, removal or discharge.
- l. Absence from duty not covered in the above report.
- m. Change in name or address of employee.
- n. Employee Evaluations.

Section 14.02 Report When New Position Created. When any new office or position is to be created subject to approval of the Civil Service Commission and by City Council, or when the duties and responsibilities of any existing office or position are essentially changed, the appointing authority shall submit in writing to the Commission a statement outlining in detail the duties and necessary

qualifications for filling such office or position. Prescribed forms shall be made available for this purpose.

RULE 15

INVESTIGATIONS AND HEARINGS

Section 15.01 Authority to Investigate. The Commission shall make investigations concerning all matters brought before the Commission that relate to enforcement and effect of provisions in the Rules and Regulations.

Section 15.02 Administering Oaths. In the course of any investigation or hearing conducted by the Commission, any commissioner shall have the power to administer oaths and affirmations to witnesses and to take testimony relative to any matter, which the Commission has, authority to investigate.

Section 15.03 Power to Subpoena. The Commission shall have the power to subpoena and require the attendance and testimony of witnesses and the production thereby of books, papers, public records and other documentary evidence pertinent to any investigations or hearings, and to examine them as it may require in relation to any matter which it has authority to investigate or hear. Fees shall be allowed to witnesses, and on their certificate, duly audited, shall be paid by the office of Finance, for attendance and traveling, as is provided in Section 3012 of the Ohio General Code for witnesses in courts of record. All officers and employees in the service shall attend and testify when summoned to do so by the Commission. Depositions of witnesses may be taken by the Commission in the manner prescribed by law for like deposition in civil actions in the court of common pleas. In case any person, in disobedience to any subpoena issued by the Commission fails or refuses to attend and testify to any matter regarding which he may be lawfully interrogated, or produce any documentary evidence pertinent to any investigation, inquiry or hearing, it shall be the duty of the Court of Common Pleas of Franklin County, or any judge thereof, where such disobedience, failure or refusal occurs, upon application of the Commission, or any commissioner thereof to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such courts or a refusal to testify therein.

Section 15.04 Investigations. Whenever the Commission shall have reason to believe that any officer, board, commission, head of department, or person having the power of appointment, lay-off, suspension or removal, has abused such power by making an appointment, lay-off, reduction, suspension or removal in violation of the provisions of the civil service law, it shall be the duty of the commission to make an investigation. If the Commission shall find that such violation of the provision or the intent and spirit of this act has occurred, it shall make a report thereof to the Mayor and City Council, who shall have the power to remove forthwith such guilty officer, board member, commission member, or head of department. An opportunity must first be given to such officer, employee or subordinate of being publicly heard in person or by counsel in his own defense. Such action of removal by the Mayor or City Council shall be final.

Section 15.05 Executive Session. The members of the Civil Service Commission may hold executive session only after a majority vote of a quorum of the Commission determines, by a roll call vote, to hold such a session and only at a regular or special meeting for the sole purpose of consideration of matters listed in subsections A, B, C, or D as follows:

- a. To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee, official, licensee or regulated individual unless such public employee, official, licensee or regulated individual requests a public hearing. If the Civil Service Commission holds an executive session pursuant to this subsection, the request shall state which one or more of the approved purposes listed herein are the purposed for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.
- b. To confer with the City Attorney concerning disputes involving the City, and/or appointed or elected officials or employees, which are subject to pending or imminent court action.
- c. To review matters involving the Civil Service Rules and Regulations and public employee bargaining agreements.
- d. To consider matters to be kept confidential by federal law or rules, state statutes or rules or City ordinance or rules.

If the Civil Service Commission holds an executive session to consider any of the matters listed in subsection A, B, C, or D, the request to hold that executive session shall state which one or more of the approved matters listed are to be considered at the executive session.

RULE 16

SAVING CLAUSE

Section 16.01 Saving Clause. If any section or part of a section of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, or force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

RULE 17

HIRING PROCESS GAHANNA POLICE DEPARTMENT

Section 17.01 General Requirements. All police positions within the classified service are subject to the application and examination provisions of these Rules.

Section 17.02 Applications. Except as otherwise specifically provided for by law or by the rules of the Commission, all applicants must:

- a. File an application with the Human Resources Department by a time specified by the Civil Service Commission.
- b. Pay the filing fee established on an annual basis by the Commission.
- c. Meet the minimum requirements as stated in the examination announcement.

The Commission shall require persons applying for an examination for original appointment to file with the Commission, within the time limit fixed in the examination announcement, a formal application in which the applicant, under oath of affirmation, shall state his/her name, address, and such other information as may reasonably be required concerning his/her education, experience, and personal habits as it would relate to performance of job duties. No inquiry shall be made as to religious or political affiliations or as to racial or ethnic origin of applicant. Applications once filed will not be returned to applicants.

d. General. Any or all applicants for any class of positions may be required to submit evidence that they possess the minimum qualifications set forth in the specifications for the class. If any certificate, license or other evidence of competency is required by law or competent authority, valid evidence shall be required of the applicant.

e. Proof of Age. Applicants may be required to meet certain age requirements. No person shall be eligible to receive an original appointment to the police department as police officer unless he or she has reached the age of twenty-one (21) on or prior to the date of appointment.

f. Acceptance or Rejection of Applications. The Commission, or the Commission Secretary, shall review all applications for completeness. An application lacking information or incorrectly filled out may be amended by the applicant prior to the examination, following notices to amend the same. The Commission may for sufficient cause, reject an application prior

to the date of the examination for which it is filed. In all cases of rejection an applicant shall be notified immediately of the rejection and the reason therefore. Upon rejection of an application any applicant shall have an opportunity to show cause to the Commission why his application should not have been rejected. Any one of the following may be sufficient cause for rejecting an application:

- 1) Lacks one or more of the minimum qualifications set forth in the examination announcement.
- 2) Has been convicted of a felony.
- 3) Has been previously dismissed from the classified civil service.
- 4) Has made false statement of any material fact or practiced, or attempted to practice, any deception or fraud in his application or in his examination, in establishing his eligibility, or securing his appointment.
- 5) Any other just and reasonable cause.

Section 17.03 Examinations.

The Commission shall be the examining authority for hiring and promotional testing in the classified service. The Commission shall designate the date, time and place of each examination as it deems necessary. Copies of such notices of examinations shall be dated and filed by the Commission. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto, provided that any such determination must have been adopted prior to the date of such examination.

An examination shall consist of a written test, which measures aptitude and knowledge of work, and one or more of the following tests or parts:

- a. Entrance Examinations shall be practical in character, and shall relate directly to those matters which fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought, and shall when appropriate, include test of manual skill.
- b. Original Appointment Examination. A competitive examination shall require applicants for positions and places in the classified service to report to a designated place at a designated time to participate in tests prescribed and administered under the direction of the members of the Commission.
- c. Postponement and Cancellation. The Commission shall have the right to postpone any examination because of insufficient number of applicants, because of the non-attendance of special examiners or for other sufficient cause; or to cancel any examination, the holding of which

becomes unnecessary because of a change in personnel requirements. All such postponements, or cancellations shall be posted in such places as designated for notice with reasons therefore, and an explanation of the reason for the postponement or cancellation shall be made in the Commission minutes. A copy of such notice of cancellation shall be filed in the Commission office.

Section 17.04 Conduct of Examinations. All examinations shall be conducted under the direction of at least one (1) Commission member and/or one (1) Commission staff person with the addition of special examiners as deemed necessary by the Commission.

a. Time. The limit of time prescribed for each part of the examination shall appear on the question papers in the general instructions and also shall be announced at the beginning of the examination or parts thereof.

b. Admittance. Any person who is not a candidate, a Commission member or an employee of the Commission shall not be present in the examination room except by special written permission of the Commission members in charge of the examination. A record of such written permission shall be kept on file by the Commission. Admittance to an examination may be refused to an applicant arriving after the designated starting time for testing.

c. Identification Procedures. All paper submitted by candidates shall contain their name printed legibly. If the name is not printed legibly, and cannot be read, the candidate shall be automatically disqualified. The candidate shall be required to provide two (2) forms of I.D., one being picture.

Section 17.05 Offenses in Examination.

a. Frauds Prohibited. No person shall:

1.) Willfully or corruptly by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the civil service law, the City Charter or under any rules or regulations prescribed pursuant thereto.

2.) Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing.

3.) Willfully or corruptly make any false representations concerning the results of such examination or concerning any person examined.

4.) Willfully or corruptly furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.

5.) Willfully impersonate another person, or permit or aid in any manner another person to impersonate him, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.

6.) Furnish false information about himself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.

7.) Make known or assist in making known to any applicant for examination, any question to be asked on such examination.

8.) Personally solicit a favor from any members of the Commission, appointing officer, or have any person in his behalf solicit a favor.

b. Penalty for Deception. Any person or persons who shall at any examination, by themselves or in cooperation with one or more person, deceive or attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall have his name stricken from the registers, and he shall not be permitted to take part in any examination for a minimum period of one (1) year or for a longer period as the Commission may decide and record. If such person is already in the city service, such conduct shall be grounds for discipline.

c. When Papers Taken Up. When an applicant in any examination is found to be using, without permission, any extraneous means of information, such as memoranda, pamphlets or books of any kind to assist him in answering the questions, the examination papers of the applicant, when the circumstances justify such action in the judgment of the Commissioners in charge, shall be taken up and the examination papers filed with zero (0) marking, and a memorandum made on the same of the cause for such action. The applicant shall be barred from any other examination for a period of one (1) year from such date or for a longer period, as the Commission may decide.

d. Method of Grading Examinations. The total grade attainable in each examination shall be 100%.

1.) Credit for Service as Gahanna Reserve Officer. When proper proof of acceptable service as a Gahanna Reserve Officer is presented to the Commission, and such reserve officer being otherwise eligible has received a passing grade of 70% in a police officer entrance

examination or radio dispatcher examination, he/she shall be granted an additional credit in the following manner.

As a member of the Gahanna Reserve Police Force, and after completion and certification by the Ohio Peace Officer Training Academy, and the completion of the One Hundred Ninety Two Hours (192) hours of service with the Gahanna Reserve Force he or she shall be entitled to receive additional credit of five (5) points on the total grade in the entrance examination.

Request for the additional credit for reserve officer together with a letter of recommendation from the Chief of Police indicating the reserve officer is in good standing with the Police Department, shall be submitted to the Commission with the application for examination. Credit for reserve officer service shall not be given if the request for such credit is received by the Commission after an eligibility list for the examination has been established.

2.) Credit for Military Service. When proper proof of acceptable service in the Armed Forces of the United States, as defined in the Ohio Revised Code, is presented to the Commission, and such person being otherwise eligible has received a passing grade of 70% in any regular entrance examination he/she shall be granted an additional credit of five (5) points.

Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Commission with the application for the examination. Credit for military service shall not be given if the candidates request for such credit is received by the Commission after an eligible list for any examination has been established.

e. Priority. In cases of tie scores in an examination, applicants entitled to veteran's preference credit shall be placed ahead of non-veterans.

f. Physical Fitness Test. After the conclusion of the written examination the Civil Service Commission shall administer a physical fitness test to all candidates who pass the written test. The physical fitness test shall contain elements as prescribed by the Commission from time to time. If any candidate wishes to protest the results of an event in the physical fitness test, it must be done immediately after that event, and the decision of the Commission will be final. Information on the physical fitness test will be provided the candidate in the Information Packet.

Section 17.06 Inspection of Rating Keys. In examinations where the Commission considers it feasible, for a period of two (2) weeks after the scores for the examination are mailed, candidates may inspect the Rating Key and questions in the office of the Civil Service Commission. Each candidate shall be permitted only one (1) review of the test booklet involving one session.

a. Protests. Should the test contain a question or an answer with an error, including a conflict of authority, error in keying or incorrect wording, the candidate may protest the question by submitting a protest in writing to the Commission. This written protest must be submitted at the time the candidate is reviewing the test. The protest must cite the error in the question or answer and may also include reference to recognized authorities to support the protest. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests, however, there are no further inspections or protests, except as provided below.

1.) For two (2) days following the last day for filing protests, candidates may review protests filed and submit in writing authority which support the Rating Key answers. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests which support Rating Key answers, however, there are no further inspections or protests.

2.) A candidate may not copy nor take from the Civil Service Commission office test questions or answers, nor may he make any written notes pertaining to test material. Commission members or members of their staff shall not discuss test written notes with applicants. Following the rating key inspection period, the Commission shall carefully consider all objections and make such changes in the tentative key as are warranted, after which a rating key shall be adopted which shall be final and which shall be used in the actual rating of examination papers. The Commission may correct clerical error of examiners or employees at any time before the cancellation of such list.

b. Notification of Grade. Each candidate examined shall be notified of his/her grade and standing on the eligible list.

c. Inspection of Papers. Any candidate, with the permission of the Commission, shall have the right to inspect his/her scored answer sheet, in accordance with established procedure, for a period of 72 hours after such grades have been mailed, and inform him/her as to the markings given to him on each subject or question. The applicant shall make such inspection of his answer sheet only in the presence of a member of the Commission or designated member of the Commission staff.

Section 17.07 Preservation of Examination Papers. Applications and examination papers of candidates who failed an examination shall be maintained in accordance with Gahanna Records Retention Schedule. Applications and examination papers of those passing shall be preserved for 7 years, except that

test papers of those appointed from eligible lists shall be retained in the individual personnel file of each appointee.

Section 17.08 Eligibility Lists.

a. Posting of Eligibility Lists. From the returns of each competitive examination, the Commission shall prepare and keep open to public inspection an eligibility list of those persons whose final grade in the examination is not less than seventy (70) percent.

b. Duration of Lists. The term or eligibility of each list and of the names appearing thereon shall be fixed by the Commission for a period of no less than six (6) months, and no more than one (1) year from the date of the written exam. For good cause and at the discretion of the Commission an eligible list may be terminated sooner than its fixed date.

Tied Scores.

1). Original Appointment Examination. In the event two or more candidates receive the same score in open competitive examination, names of all candidates receiving such score shall be placed on the eligible list with the same ranking, except that candidates with Military Credit shall be placed first.

Section 17.09 Removal of Names from Eligible Lists. The name of an eligible candidate shall be removed from an eligible list by the Commission for one or more of the following reasons:

- a. Written request of the eligible concerned.
- a. Failure to appear or arrange for an interview or respond to communication from the appointing authority.
- c. Failure to file with the Commission written notice of any change of address.
- d. Declining appointment in writing or failing to accept appointment or to report for duty within four (4) business days next succeeding the confirmation of appointment.
- e. Physical disability that prevents the eligible from satisfactorily carrying out the essential duties of the position, with or without a reasonable accommodation.
- f. Practicing or attempting to practice deception or fraud in his application, his tests, or otherwise in obtaining eligibility for appointment.

- g. At the request of the appointing authority for just cause.
- h. Name certified to appointing authority three (3) times without an appointment to position.
- i. Reason by the Commission, in any case, to believe that an eligible has in any manner become disqualified for appointment to a position in a given class.

1.) Any person whose name is removed from the eligible list shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless his whereabouts are unknown. His name may again be certified from the eligible list only if thoroughly satisfactory explanation of the circumstances is made to the Commission. If an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver of appointment from other eligible lists for classes the salary of which is equal or lower unless specifically requested by the candidate unless he/she indicates his or her desire to remain on the list in writing.

j. The successful candidate may be asked to complete any of the following elements in the hiring process, listed as follows:

- 1.) Formal Application
- 2.) Hiring Standards – Read and Acknowledge and Return
- 3.) Written Examination
- 4.) Physical Fitness Test
- 5.) Preliminary Psychological Screening
- 6.) Record Check
- 7.) Background Check
- 8.) Oral Interview
- 9.) Conditional Offer of Employment
- 10.) Pre-employment Drug Test
- 11.) Physical
- 12.) Polygraph Examination.

Section 17.10 Restoration of Names to the Eligible List. Upon furnishing the Commission with satisfactory reasons therefore, a candidate may have his name restored to any list from which his name may have been previously removed, and which still remains in effect.

Section 17.11 Re-employment Lists. Any employee whose appointment has become permanent, who without fault or delinquency on his part, has been separated from the service or reduced in rank because of lack of work or funds, shall have his name automatically placed upon the appropriate re-employment lists for the class of position from which he was reduced or laid off, until such time as he is reassigned and also at the head of an appropriate eligible list for a period not to exceed two (2) years, for certification as in an original appointment.

Whenever there is no further need for a class and it is abolished in accordance with these Rules, any incumbent, with permanent status as described above, in a position in such class shall have his name automatically placed upon the eligible list for the class for a period of two (2) years and his name may be certified for a vacancy in comparable class of position for which he is qualified, or a lower class position. The place on such eligible list shall be determined in the same manner as prescribed for the order of layoff, but in the reverse order.

RULE 18

PROMOTIONAL PROCESS GAHANNA POLICE DEPARTMENT

Section 18.01 Conduct of Promotional Police Examinations. All examinations shall be conducted under the direction of at least one (1) Commission member and/or one (1) Commission staff person with the addition of special examiners as deemed necessary by the Commission.

- a. Time. The limit of time prescribed for each part of the examination shall appear on the question papers in the general instructions and also shall be announced at the beginning of the examination or parts thereof.
- b. Admittance. Any person who is not a candidate, a Commission member or an employee of the Commission shall not be present in the examination room except by special written permission of the Commission members in charge of the examination. A record of such written permission shall be kept on file by the Commission. Admittance to an examination may be refused to an applicant arriving after the designated starting time for testing.
- c. Identification Procedures. All paper submitted by candidates shall contain their name printed legibly. If the name is not printed legibly, and cannot be read, the candidate shall be automatically disqualified.

Section 18.02 Offenses in Examination.

- a. Frauds Prohibited. No person shall:
 - 1.) Willfully or corruptly by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the civil service law, the City Charter or under any rules or regulations prescribed pursuant thereto.
 - 2.) Willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing.
 - 3.) Willfully or corruptly make any false representations concerning the results of such examination or concerning any person examined.

4.) Willfully or corruptly furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted.

5.) Willfully impersonate another person, or permit or aid in any manner another person to impersonate him, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.

6.) Furnish false information about himself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed.

7.) Make known or assist in making known to any applicant for examination, any question to be asked on such examination.

8.) Personally solicit a favor from any members of the Commission, appointing officer, or have any person in his behalf solicit a favor.

b. Penalty for Deception. Any person or persons who shall at any examination, by themselves or in cooperation with one or more person, deceive or attempt to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance shall have his name stricken from the registers, and he shall not be permitted to take part in any examination for a minimum period of one (1) year or for a longer period as the Commission may decide and record. If such person is already in the city service, such conduct shall be grounds for discipline.

c. When Papers Taken Up. When an applicant in any examination is found to be using, without permission, any extraneous means of information, such as memoranda, pamphlets or books of any kind to assist him in answering the questions, the examination papers of the applicant, when the circumstances justify such action in the judgment of the Commissioners in charge, shall be taken up and the examination papers filed with zero (0) marking, and a memorandum made on the same of the cause for such action. The applicant shall be barred from any other examination for a period of one (1) year from such date or for a longer period, as the Commission may decide.

d. Method of Grading Examinations. The total grade attainable in each examination shall be 100%. In examinations composed of more than one part the method of scoring shall be:

1) Each part of the examination shall be separately rated. The proficiency of each candidate will be determined on the basis of a scale of 100% for maximum possible attainment.

Section 18.03 Inspection of Rating Keys. In examinations where the Commission considers it feasible, for a period of two (2) weeks after the scores for the examination are mailed, participants may inspect the Rating Key and questions in the office of the Civil Service Commission. Each candidate shall be permitted only one (1) review of the test booklet involving one session.

a. Protests. Should the test contain a question or an answer with error, including a conflict of authority, error in keying or incorrect wording, the candidate may protest the question by submitting a protest in writing to the Commission. This written protest must be submitted at the time the candidate is reviewing the test. The protest must cite the manifest error in the question or answer and may also include reference to recognized authorities to support the protest. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests, however, there are no further inspections or protests, except as provided below.

1.) For two (2) days following the last day for filing protests, candidates may review protests filed and submit in writing authority which support the Rating Key answers. Proof such as reference material involving books, pamphlets or other recognized authority may be submitted not later than two (2) days after the last day for filing protests which support Rating Key answers, however, there are no further inspections or protests.

2.) A candidate may not copy nor take from the Civil Service Commission office test questions or answers, nor may he make any written notes pertaining to test material. Commission members or members of their staff shall not discuss test written notes with applicants. Following the rating key inspection period, the Commission shall carefully consider all objections and make such changes in the tentative key as are warranted, after which a rating key shall be adopted which shall be final and which shall be used in the actual rating of examination papers. The Commission may correct clerical error of examiners or employees at any time before the cancellation of such list.

b. Notification of Grade. Each candidate examined shall be notified of his/her grade and standing on the eligible list.

c. Inspection of Papers. Any candidate, with the permission of the Commission, shall have the right to inspect his scored answer sheet, in accordance with established procedure, for a period of 72 hours after such grades have been mailed, and inform him as to the markings given to him on each subject or question. The applicant shall make such inspection of his answer sheet only in the presence of a member of the Commission or designated member of the Commission staff.

Section 18.04 Preservation of Examination Papers. Applications and examination papers of candidates who failed an examination shall be maintained in accordance with Gahanna retention schedule. Applications and examination papers of those passing shall be preserved for the life of the eligible lists, except that test papers of those appointed from eligible lists shall be retained in the individual personnel file of each appointee.

Section 18.05 Posting of Eligible Lists. From the returns of each competitive examination, the Commission shall prepare and keep open to public inspection an eligible list of those persons whose final grade in the examination is not less than seventy (70) percent.

Section 18.06 Removal of Names from Eligible Lists. The name of an eligible candidate shall be removed from an eligible list by the Commission for one or more of the following reasons:

- a. Written request of the eligible concerned.
- b. Failure to appear or arrange for an interview or respond to communication from the appointing authority.
- c. Failure to file with the Commission written notice of any change of address.
- d. Declining appointment in writing or failing to accept appointment or to report for duty within four (4) business days next succeeding the confirmation of appointment.
- e. A disability that prevents the eligible from satisfactorily carrying out the essential duties of the position.
- f. Practicing or attempting to practice deception or fraud in his application, his/her tests, or otherwise in obtaining eligibility for appointment.
- g. At the request of the appointing authority for just cause.

Section 18.07 Postponement and Cancellation of Promotional Test.

The Commission shall have the right to postpone any examination because of insufficient number of applicants, because of the non-attendance of special examiners or for other sufficient cause; or to cancel any examination, the holding of which becomes unnecessary because of a change in personnel requirements. All such postponements, or cancellations shall be posted in such places as designated for notice with reasons therefore, and an explanation of the reason for the postponement or cancellation shall be made in the Commission minutes. A copy of such notice of cancellation shall be filed in the Commission office.

Section 18.08 Fewer Than Three Candidates Pass Written Test. In the event that fewer than three candidates pass a Civil Service promotional examination, the candidates who passed shall be included on the eligibility list for the position. The time limits set forth in the F.O.P. for the oral boards shall be extended until another examination has been held. Those candidates who pass the subsequent examination shall be added to the eligibility list for the position. The process shall continue until at least three candidates shall be on the eligibility list; those who passed the examinations shall proceed to the oral boards. Under these circumstances the time limit for the expiration of the eligibility list shall begin to run from the date that the last examination was conducted which resulted in at least three candidates passing the examination.

Section 18.09 Ranking of Candidates After Oral Board.

The Civil Service Commission shall maintain the report from the oral board as the scores of the candidates in order of their oral board scores.

- a. One certified to be appointed. Upon receipt of the eligibility list from the Commission the appointing authority shall fill such position by appointment of one of the three (3) candidates certified to him/her and shall report to the Commission the name of such appointee.